

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

HORTON HOMES, INC.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	2:07-CV-506-MEF
)	
LARUE BANDY, MARIE BANDY,)	
PATRICK PRITCHETT, WILLIAM)	
SHANER, ELSIE FONDREN)	
AVERETTE, WILLIAM CRUTHIRDS,)	
SHERRIE CRUTHIRDS, LARRY C.)	
McCULLOUGH, and ROBERT)	
JEROME TEAL, III,)	
)	
Defendants.)	
)	

PLAINTIFF HORTON HOMES, INC.'S CERTIFICATE OF
COMPLIANCE WITH FED. R. CIV. P. 26(c)

COMES NOW Plaintiff Horton Homes, Inc. ("Plaintiff Horton") and files this its "Certificate of Compliance with Fed. R. Civ. P. 26(c)" and shows the Court as follows:

On July 1, 2008, undersigned counsel for Plaintiff Horton attempted to resolve the discovery dispute described in its "Motion for Protective Order Prohibiting Discovery About Non-Party Entities Not the Subject of Claims or Defenses" ("Plaintiff Horton's Motion for Protective Order"), filed herewith. Specifically, Jimmy L. Paul, as counsel for Plaintiff Horton, conferred with

Michael S. Harper, as counsel for Defendants, respecting the discovery disagreement between Plaintiff Horton and Defendants, *i.e.*: whether Defendants may obtain discovery about certain non-party entities which are not the subject of any claim or defense in this Action. The discovery dispute is evidenced in part by Plaintiff Horton's objections to the following paragraphs of Defendants' "Continuing Request for Production of Documents": 26; 27; 28; 29; 30; 31; 33; and 35. The discovery dispute is also evidenced by the Defendants' request to depose certain witnesses employed by Plaintiff Horton regarding their knowledge of facts related to non-party entities which are not the subject of claims or defenses in this action.

Undersigned counsel and Mr. Harper have agreed that lawyers for Plaintiff Horton and Defendants have fully explained their respective positions to each other regarding the nature of the discovery dispute, and both Plaintiff Horton's lawyers and Defendants' lawyers believe they fully understand the positions asserted by opposing counsel. Counsel for Plaintiff Horton and counsel for Defendants respectfully disagree with each other regarding the scope of discovery as set forth in papers filed herewith, and the matters need to be resolved by the Court. Counsel for Plaintiff Horton and counsel for Defendants have each agreed with the other that the parties have met their responsibilities regarding attempts to confer to

resolve this discovery dispute pursuant to Fed. R. Civ. P. 26(c) and both parties are now free to file their motions to compel and other papers.

Dated this 1st day of July, 2008.

By: /s/ Jimmy L. Paul
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Georgia Bar No. 567600
THOMAS C. GRANT
Georgia Bar No. 297455
(Admitted Pro Hac Vice)

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Co-Counsel for Plaintiff Horton Homes, Inc.

CERTIFICATE OF SERVICE

This is to certify that on this date the undersigned has filed using the CM/ECF system a true and correct copy of "Certificate of Attempt to Confer with Defendants Pursuant to Fed. R. Civ. P. 26(c)" on the following parties and has served the following via the CM/ECF system:

Michael S. Harper
213 Barnett Boulevard
P.O. Box 780608
Tallasse, Alabama 36078

Frank H. Hawthorne, Jr.
Randy A. Myers
Hawthorne & Myers LLC
322 Alabama Street
Montgomery, Alabama 36104

Dated this 1st day of July, 2008.

By: /s/ Jimmy L. Paul
JIMMY L. PAUL
Georgia Bar No. 567600
THOMAS C. GRANT
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